

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Margaret A. Gambrell

119 Craven Road
Ladson, South Carolina 29456.

File Number 2003-119769

**Default Order Revoking
All Licensing Privileges**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2004), by the State of South Carolina Department of Insurance upon Margaret A. Gambrell by both certified mail, return receipt requested, and by regular mail on February 17, 2005.

That letter informed Margaret A. Gambrell of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. The letter further warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance producer within the State of South Carolina. **Despite that warning, Margaret A. Gambrell has failed to respond to the Department's letter.** On June 23, 2005, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance producer within the State of South Carolina for American Surety, Margaret A. Gambrell "failed to remit or account for \$8,891.41 in premiums on bonds written for and collected from citizens of the State of South Carolina".

Section 38-43-130 of the South Carolina Code provides the Director or his designee "may revoke or suspend a producer's license after ten day's notice...when it appears that a producer...has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State." This Code Section goes on in Subsection (3) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent...has received payment from a customer or insured."

In accordance with my findings of fact, and considering Margaret A. Gambrell's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Margaret A. Gambrell violated S.C. Code Ann. § 38-43-130 (Supp. 2004) and that her resident insurance producer's license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§

30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2000).

It is, therefore, ordered that the license of Margaret A. Gambrell to do business as a resident insurance producer within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Margaret A. Gambrell is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance producer within the State of South Carolina.

This order becomes effective as of the date of my signature below.



Eleanor Kitzman
Director

June 24, 2005 at
Columbia, South Carolina

**Before the State of South Carolina
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In the matter of:

Margaret A. Gambrell

119 Craven Road
Ladson, South Carolina 29456

SCDOI File Number 2003-119769

Affidavit of Default

Personally appeared before me John B. O'Neal, III, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

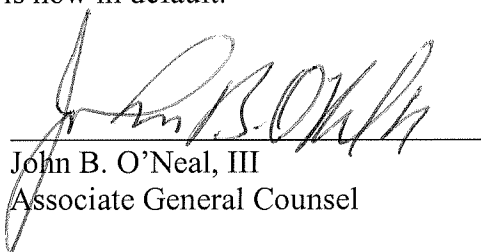
The Department served notice on Margaret A. Gambrell at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke her license to act as a resident insurance producer within the State of South Carolina in thirty days. The Department served that notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2004), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified Margaret A. Gambrell of her opportunity, within thirty days, to request in writing a public hearing.

The Department mailed the notice concerning the right to a hearing by certified mail, return receipt requested, and by regular mail, on or about February 17, 2005. On February 19, 2005 the United States Postal Service returned the return receipt card signed by the addressee. Margaret A. Gambrell has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. She is now in default.

Sworn to and subscribed before me
this 21 day of June, 2005



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires: May 10, 2009



John B. O'Neal, III
Associate General Counsel

South Carolina Department of Insurance
Post Office Box 100105
Columbia, South Carolina 29202
(803) 737-6132